

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHNNIE NEWSON,

Plaintiff,

vs.

TIM DUNNING and DOUGLAS
COUNTY CORRECTIONS,

Defendants.

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4:05cv3313

MEMORANDUM AND ORDER

This matter is before the court pursuant to NECivR 41.1, which states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution." The plaintiff, Johnnie Newson, has not responded to a motion to dismiss filed by the defendants in May of 2006. In October of 2006, mail from the court to the plaintiff was returned as undeliverable because the plaintiff has been discharged from prison and has left no forwarding address. Despite a warning in previous orders by this court (filing nos. 5 and 7), the plaintiff has failed to keep this court apprised of an address where he can be reached. Therefore, the above-entitled case is hereby dismissed, without prejudice, as abandoned and for failure to prosecute.

SO ORDERED.

DATED this 29th day of November, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge